



MEETING MINUTES

KAKAAKO PUBLIC INFRASTRUCTURE AND FACILITIES WORKING GROUP

FRIDAY, JANUARY 22, 2016
CONFERENCE ROOM 229
2nd FLOOR
STATE CAPITOL
2:30 p.m.

MEMBERS PRESENT

Co-Chair Carol Fukunaga, City Council
Co-Chair Suzanne Chun Oakland, State Senate
Co-Chair Ryan Yamane, State House of Representatives
Leo Asuncion, Jr., Office of Planning
George Atta, Department of Planning and Permitting
Roy Bumgarner, Imperial Plaza
Michael Formby, Department of Transportation Services
Deepak Neupane, Hawaii Community Development Authority
Steve Scott, Scott Hawaii
Ryan Tam, Ala Moana-Kakaako Neighborhood Board #11
Russell Tsuji, Department of Land and Natural Resources
Jennifer Waihee-Polk, Department of Corporation Counsel
Mike Wong, Department of the Attorney General

MEMBERS ABSENT

Ross Sasamura, Department of Facility Maintenance

OTHERS PRESENT

Facilitator Thomas Mitrano, Mediation Center of the Pacific, Access ADR program

CALL TO ORDER

The meeting of the Kakaako Public Infrastructure and Facilities Working Group ("Working Group") was called to order by the co-chairs at 2:35 p.m.

APPROVAL OF MEETING MINUTES

The minutes of the Friday, December 11, 2015 Working Group meeting were approved, with no additions or corrections. The Department of Land and Natural Resources representative requested a correction be made to the minutes of the Thursday, November 12, 2015 meeting.¹

DISCUSSION OF FINAL RECOMMENDATIONS

The Working Group distributed a list of five proposed final recommendations that were developed based on discussions and submittals during previous meetings (see Council Com. 17 (2016)). Discussion ensued regarding additions, corrections and/or deletions of specific proposed final recommendations. The following suggestions were offered:

¹ This request was later retracted.

- Recommendation #1: Remove generic references to “State” and identify and insert the appropriate State agency.
- Recommendation #2: Delete as a separate recommendation.
- Recommendation #3: Remove recommendation as a separate recommendation and insert as a subset of Recommendation #1 (i.e. Subsection “f”). Delete the singular.
- Recommendation #4: Tighten language and specify violations of ordinances (i.e. property tax, subdivision, etc.).
- Recommendation #5: None.

Pending litigation precluded a majority of the City and State agency representatives from adopting official positions and/or required them to abstain from voting on the Working Group's final recommendations.² No formal vote was taken, or official decisions rendered. The co-chairs stated that several of the proposed final recommendations would be incorporated into legislation for consideration during the 2016 legislative session, and they would further explore whether or not parallel measures would require introduction by the City Council.

PUBLIC COMMENTS

A resident of Pacifica Honolulu provided oral testimony, noting her support for Kakaako streets becoming public streets by condemnation, etc., suggesting any substandard streets be constructed as one-way, and agreeing that parking laws should be enforced. The resident submitted photographs (see Misc. Com. 169 (2016)).

A representative from MacDonald & Porter provided oral testimony, stating that although he appreciated the long-term solutions that has been the group's focus, his concern is finding short-term solutions to relieve the businesses and residents in Kakaako. The representative noted his support of City ordinance enforcement in Kakaako, and submitted photographs (see Misc. Com. 170 (2016)).

A representative from Dang Enterprises, Inc. provided oral testimony, stating her concern regarding the ownership of certain Kakaako streets and correlating property tax assessments.

A representative from a Kawaihau St. small business provided oral testimony, noting his concern with the poor condition of several Kakaako area private streets, particularly in regard to potholes. The representative submitted photographs (see Misc. Com. 171 (2016)).

DISCUSSION OF FINAL REPORT

The facilitator will be preparing the final report.

ANNOUNCEMENTS

There were no announcements offered.

NEXT MEETING

There were no further meetings scheduled.

ADJOURNMENT

The meeting was adjourned by the co-chairs at 4:40 p.m.

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² The co-chairs later decided to offer the five final recommendations as discussed as a reflection of the general Working Group consensus (see attached Final Recommendations, dated February 11, 2016).

Final Recommendations
KPIF Working Group • 2/11/16

The following recommendations reflect the Working Group's general consensus for resolving usage and maintenance issues discussed during the first three meetings. However, because pending litigation filed over parking fees involving private roads included City and State agencies as parties, a majority of agency representatives were precluded from adopting positions on the following recommendations.

As such, the Working Group Co-Chairs offer the following recommendations as a reflection of a general group consensus. Specific implementation actions will be considered through legislative measures introduced in the State House of Representatives and State Senate during the 2016 legislative session to address items 1, 2, and 3. Legislative measures may be introduced in the Honolulu City Council to address items 4 and 5, as appropriate. References to the "State" in recommendations 1 and 3 refer to Hawaii Community Development Authority, and to the "City" in recommendations 1, 3, 4, and 5 refer to Departments of Transportation Services and Planning and Permitting.

1. The State could condemn the road (i.e. the entire right-of-way, including the road, shoulders, etc.), make road and infrastructure improvements (gradually, if necessary), and subsequently dedicate the improved road to the City. The City could then accept the entire right-of-way (including the road, shoulders, improvements, etc.) and maintain the road going forward.
 - a. The State Legislature could appropriate funds to the appropriate State department(s) for condemnation and infrastructure improvements in preparation for dedication to the City.
 - b. HCDA's Improvement District ("ID") Program could be utilized to fund infrastructure improvements.
 - c. Relaxed requirements (compared to current City standards) could be adopted by State/City agencies, thereby minimizing the assessment amounts on small landowners.
 - d. The City would then accept the dedication of the road upon completion of the agreed-upon infrastructure improvements.
 - e. The City Council could appropriate funds to the appropriate City department(s) for maintenance.
2. HCDA does not currently require developers to provide supplemental documentation as to ownership of the surrounding roads at the time of a development project application.
 - a. The State Legislature could adopt legislation to require, at the time of a development project application, that developers provide supplemental documentation to HCDA regarding ownership of all surrounding roads.
3. The City/State could build public parking structures/lots in the Kakaako area to address the limited public parking issue.
 - a. The City Council/State Legislature could appropriate funds.
4. The City could enforce traffic regulations on private roads in Kakaako, as HRS section 46-16 and ROH section 15-1.1 allow the City to enforce traffic regulations on private streets that have been used by the public for more than six months.

- a. The City could enforce the appropriate ordinance, to allow pedestrians unobstructed access to a safe walking area.
 - b. The City could enforce the appropriate ordinance, to restrict the parking of vehicles where it is dangerous to those using the road and to prevent parked vehicles on the shoulder of the road from obstructing the normal flow of traffic.
5. The City could make a determination on whether or not Kakaako Land Co. is violating any City ordinances.
- a. If they are found to be in violation, the appropriate City agencies in charge of enforcement of the violations could contact Kakaako Land Co. with a deadline to comply with correction.
 - b. If correction of violations is not performed, then the appropriate agencies could levy penalties and remove all Kakaako Land Co. signage.
 - c. With signage and rented parking spaces removed, the roadways could qualify for surface maintenance by the City.

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